

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 1274

COMMITTEE: Environmental Matters

POSITION: Oppose

TITLE: Well Drilling – Local Health Department – Appeal

BILL ANALYSIS:

HB 1274 would provide a procedure for a well driller to appeal to MDE, decisions by the local health department related to a permit or application to drill a well. The well driller would be able to appeal to MDE by mail, telephone or electronic communication. Within 24 hours of receiving the appeal, the Department would have to make a final decision and notify the well driller and the local health department of the decision.

POSITION AND RATIONALE:

MDE opposes HB 1274. Under existing MDE policy, when a well driller disagrees with a decision of the local health department, they may informally appeal to MDE. If MDE agrees with the well driller, the health department is directed to change their decision. If MDE agrees with the local health department, the well driller can appeal the decision requesting a contested case hearing. For well construction appeals, COMAR has a procedure similar to appealing a contested case. MDE refers the appeal to the Office of Administrative Hearings. The appeal is heard before an administrative law judge (ALJ) who renders a non-binding opinion. MDE then considers this opinion and makes a final decision. 24 hours is an unreasonable time frame for MDE to gather the available information and render a final decision. One additional FTE would be necessary to meet the 24 hour final decision requirement.

FOR MORE INFORMATION,
CONTACT LISA NISSLEY
410-260-6301 ANNAPOLIS
410-537-3812 BALTIMORE